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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 TIMOTHY L. BLIXSETH,  
10 Plaintiff,

11 v.

12 BRIAN GLASSER, AS TRUSTEE OF  
13 THE YELLOWSTONE LIQUIDATING  
14 TRUST,  
15 Defendant.

(Original Case)

Case No. 2:13-cv-01434-APG-GWF  
(Consolidated with 2:13-cv-01737-APG-  
GWF)

**ORDER REGARDING DEFENDANT'S  
MOTION FOR RELIEF FROM ORDER,  
AND AMENDING THE DECEMBER 16,  
2013 ORDER**

[Dkt. ##46, 47]

16 BRIAN GLASSER, AS TRUSTEE OF  
17 THE YELLOWSTONE CLUB  
LIQUIDATING TRUST,

18 Plaintiff,

19 v.

20 TIMOTHY L. BLIXSETH,  
21 Defendant.

22 (Consolidated case)

23  
24 Currently before the Court is Defendant's Motion for Relief from Order. [Dkt. #47.]  
25 Defendant initiated Case No. 13-cv-1434 in order to register in this district the judgment it had  
26 obtained in the United States Bankruptcy Court for the District of Montana. Subsequently, Case  
27 No. 13-cv-1737 was consolidated into that case. On December 16, 2013, this Court entered an  
28

1 Order ruling that Defendant failed to comply with 28 U.S.C. § 1963 (the "Registration Statute"),  
2 and, therefore, the Court did not have jurisdiction over this matter. [Dkt. #46.] Defendant  
3 correctly points out in its Motion for Relief that the infirmities related to the Registration Statute  
4 are unrelated to the claims originally asserted in Case No. 13-cv-1737. Therefore, the Court  
5 improperly dismissed the portion of the consolidated case related to Case No. 13-cv-1737. The  
6 Court will reinstate those claims.

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8 However, because the Court never had jurisdiction over Case No. 13-cv-1434, the claims  
9 originally asserted in that case were void *ab initio* and cannot be revived by an after-the-fact  
10 compliance with the Registration Statute. If Defendant wishes to register the Montana Judgment  
11 in this district based upon the newly-issued Order from the Montana Bankruptcy Court, it must  
12 initiate a new action to do so, as it attempted to do originally in Case No. 13-cv-1434.

13 Accordingly,

14 **IT IS HEREBY ORDERED** that Defendant's Motion for Relief from Order [Dkt. #47] is  
15 **GRANTED IN PART** and **DENIED IN PART**. The Court's December 16, 2013 Order  
16 Denying Cross-Motions for Summary Judgment is amended to clarify that only the claims  
17 originally asserted in Case No. 13-cv-1434 are dismissed without prejudice. The portion of that  
18 case that was originally filed under Case No. 13-cv-1737 should not have been dismissed, and it  
19 is hereby reinstated. Case No. 13-cv-1434 will remain open, but only with regard to the claims  
20 originally filed in Case No. 13-cv-1737. In addition, the portion of the December 16 Order  
21 denying the Motions for Summary Judgment [Dkt. #46 at 8:10-12] is rescinded.  
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23 DATED this 19th day of December, 2013.  
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28 ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE